

16-08-040 Elderly Residential Facilities in Areas Zoned Exclusively for Single-Family Dwellings.

1. For the purpose of this section:
 - a. No person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons; and
 - b. Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.
2. Subject to granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family use, if that facility:
 - a. Conforms to all applicable health, safety, zoning, and building codes;
 - b. Is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and
 - c. Conforms to the county's criteria, adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.
3. A county may, by ordinance, provide that no residential facility for elderly persons be established within three-quarters mile of another existing residential facility for elderly persons or residential facility for handicapped persons.
4. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.
5. Municipal ordinances shall prohibit discrimination against elderly persons and against residential facilities for elderly persons.
 - a. The decision of a county regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.
6. The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing zoning ordinances that allow a specified number of unrelated persons to live together.